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HOMEcomings FINANCIAL, LLC

f/k/a HOMEcomings FINANCIAL

NETWORK, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

DOUG PEARSON, an individual, on behalf of)
himself, and on behalf of all persons similarly)
situated,)

Plaintiff,)

vs.)

HOMEcomings FINANCIAL LLC, formerly)
known as HOMEcomings FINANCIAL)
NETWORK, INC.; and DOES 1 through 100,)
Inclusive,)

Defendants.)

CASE NO. 08 CV 0515 H (NLS)

**DEFENDANT'S NOTICE OF EX PARTE
MOTION AND EX PARTE MOTION FOR
EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

**[Filed concurrently with Memorandum of
Points and Authorities; Declaration of Simon
Fleischmann; [Proposed] Order e-mailed
directly to the Court]**

**Hon. Marilyn L. Huff
Courtroom 13**

TO THE COURT, TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant Homecomings Financial, LLC *f/k/a* Homecomings Financial Network, Inc. ("Defendant") will seek the Court's approval ex parte, pursuant to CivLR 12.1 and 83.3(h), for a thirty (30) day extension of time up to and including August 14, 2008 within which to respond to the First Amended Complaint ("FAC") filed by Plaintiff Doug Pearson

1 (“Plaintiff”) on June 30, 2008. Good cause exists for this Court to grant the requested extension
 2 because the FAC substantially expands the nature and scope of Defendant’s alleged liability and
 3 potential damages exposure as compared with Plaintiff’s previously-dismissed initial complaint and
 4 because such an extension will not result in any prejudice to Plaintiff. Due to Plaintiff’s failure to
 5 respond to Defendant’s request that Plaintiff stipulate to the proposed extension, and in light of
 6 Defendant’s present July 15, 2008 deadline to respond to the FAC under Fed. R. Civ. P. 15(a)(3),
 7 Defendant has no option other than to make this request to the Court in an ex parte fashion.

8 This ex parte motion will be based on this Notice of Motion and Motion, the Memorandum
 9 of Points and Authorities and Declaration of Simon Fleischmann filed concurrently herewith, the
 10 pleadings and papers on file with the Court in this action, and such oral argument as may be made at
 11 the time of any hearing that may be scheduled by the Court.

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 13 Dated: July 8, 2008

Respectfully Submitted,

14 LOCKE LORD BISSELL & LIDDELL LLP

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 16 By: s/Cory A. Baskin
 17 Thomas J. Cunningham
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 19 Simon A. Fleischmann
 20 Cory A. Baskin
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 HOMECOMINGS FINANCIAL, LLC
 f/k/a HOMECOMINGS FINANCIAL
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